



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael Mansfield

Confirmation No.: 4554

Application No.: 09/819,427

Examiner: Phan, Tam

Filing Date: 3-27-01

Group Art Unit: 2144

Title: System and Method for Providing Personalized Customer Support

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 8-17-05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
( ) two months	\$450.00
( ) three months	\$1020.00
( ) four months	\$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Mansfield, et al.

Serial No.: 09/819,427

Filed: March 27, 2001

Group Art Unit: 2144

Examiner: Phan, Tam

Docket No. 10004186-1

For: **System and Method for Providing Personalized Customer Support**

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed August 17, 2005, responding to the Final Office Action mailed June 17, 2005.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

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### **I. Real Party in Interest**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

### **II. Related Appeals and Interferences**

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

### **III. Status of Claims**

Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41 stand finally rejected. No claims have been allowed. The final rejections of claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41 are appealed.

### **IV. Status of Amendments**

This application was originally filed on March 27, 2001, with thirty-five (35) claims. In a Response filed October 20, 2004, Applicant amended claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-31, 33-35, canceled claims 2, 8, 12, 18, 22, and 28, and added new claims 36-41.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and

29-41. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

## **V. Summary of Claimed Subject Matter**

The claimed inventions are summarized below with reference numerals and references to the written description (“specification”) and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Independent claim 1 describes a method for providing personalized customer support. The method comprises receiving customer information from a customer, the customer information including information as to products that the customer uses. Applicant’s specification, page 8, lines 5-7; page 10, lines 4-6; Figure 3, item 300.

The method of claim 1 further comprises creating a profile for the customer that includes the received customer information. Applicant’s specification, page 8, lines 5-7; page 9, lines 10-13.

The method of claim 1 further comprises evaluating the customer information contained in the profile. Applicant’s specification, page 10, lines 7-10; Figure 3, item 302.

The method of claim 1 further comprises identifying customer support information specifically relevant to the products that the customer uses. Applicant’s specification, page 10, lines 10-14; Figure 3, item 304.

The method of claim 1 further comprises presenting the customer support information to the customer in at least one personalized web page. Applicant’s specification, page 11, lines 3-6; Figure 3, item 310.

Independent claim 11 describes a system for providing personalized customer support. The system comprises means (216, Figure 2) for receiving customer information that includes information as to products that the customer uses. Applicant's specification, page 8, lines 5-7; page 10, lines 4-6; Figure 3, item 300.

The system of claim 11 further comprises means (216, Figure 2) for creating a profile for the customer that includes the received customer information. Applicant's specification, page 8, lines 5-7; page 9, lines 10-13.

The system of claim 11 further comprises means (216, Figure 2) for evaluating the customer information contained in the profile. Applicant's specification, page 10, lines 7-10; Figure 3, item 302.

The system of claim 11 further comprises means (216, Figure 2) for identifying customer support information specifically relevant to the products that the customer uses. Applicant's specification, page 10, lines 10-14; Figure 3, item 304.

The system of claim 11 further comprises means (216, Figure 2) for presenting the customer support information to the customer in at least one personalized web page. . Applicant's specification, page 11, lines 3-6; Figure 3, item 310.

Independent claim 21 describes a computer readable medium (202, Figure 2) having software for providing personalized customer support. The system comprises logic (216, Figure 2) configured to receive customer information from a customer, the customer information including information as to products that the customer uses. Applicant's specification, page 8, lines 5-7; page 10, lines 4-6; Figure 3, item 300.

The system of claim 21 further comprises logic (216, Figure 2) configured to create a profile for the customer that includes the received customer information. Applicant's specification, page 8, lines 5-7; page 9, lines 10-13.

The system of claim 21 further comprises logic (216, Figure 2) configured to evaluate the customer information contained in the profile. Applicant's specification, page 10, lines 7-10; Figure 3, item 302.

The system of claim 21 further comprises logic (216, Figure 2) configured to identify customer support information specifically relevant to the products that the customer uses. Applicant's specification, page 10, lines 10-14; Figure 3, item 304.

The system of claim 21 further comprises logic (216, Figure 2) configured to present the customer support information to the customer in at least one personalized web page. . Applicant's specification, page 11, lines 3-6; Figure 3, item 310.

Independent claim 31 describes a method for providing personalized customer support. The method comprises receiving information from a customer about the products the customer uses, the customer's business, and the customer's level of technical expertise. Applicant's specification, page 8, lines 5-7; page 8, line 15 to page 9, line 22; page 10, lines 4-6; Figure 3, item 300.

The method of claim 31 further comprises evaluating the customer information. Applicant's specification, page 8, lines 5-7; page 9, lines 10-13.

The method of claim 31 further comprises creating a customer profile based upon the evaluation of the customer information. Applicant's specification, page 8, lines 5-7; page 9, lines 10-13.

The method of claim 31 further comprises retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer's business, and the customer's level of technical expertise. Applicant's specification, page 10, lines 7-12; Figure 3, item 304.

The method of claim 31 further comprises automatically generating a personalized web page containing the retrieved customer support information.  
Applicant's specification, page 10, lines 6-7.

## **VI. Grounds of Rejection to be Reviewed on Appeal**

The following grounds of rejection are to be reviewed on appeal:

1. Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-33, and 36-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923) in view of Sullivan, et al. ("Sullivan," U.S. Pat. No. 6,542,898).
2. Claims 34-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of Sullivan and in further view of Moshfeghi, et al. ("Moshfeghi," U.S. Pat. No. 6,076,166).

## **VII. Arguments**

The Appellant respectfully submits that Applicant's claims are obvious under 35 U.S.C. § 103, and respectfully requests that the Board of Patent Appeals overturn the final rejections of those claims at least for the reasons discussed below.

### **A. Claim Rejections - 35 U.S.C. § 103(a)**

#### **1. Rejection of Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-33, and 36-41**

Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-33, and 36-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923)

in view of Sullivan, et al. (“Sullivan,” U.S. Pat. No. 6,542,898). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.

In the present case, there is no suggestion or motivation in the prior art to modify Dedrick with the teachings of Sullivan, and the references do not teach or suggest all of the claim limitations.



**a. The Dedrick Disclosure**

Dedrick discloses a system for dynamically customizing electronic information for end users. More particularly, Dedrick discloses a system for customizing *advertisements* to be provided to the end users. See Dedrick, column 1, lines 34-36. As is described by Dedrick, a publisher/advertiser 18 is provided that comprises “software tools” that create electronic information, i.e., content and advertisements, that can be transmitted to the end users. Dedrick, column 4, lines 11-13. The software tools are configured to embed consumer variables within the electronic information transmitted to the end user for the purpose of customizing the electronic information. Dedrick, column 4, lines 24-26.

The electronic information transmitted by the publisher/advertiser is received by a session manager 29 that is provided on the client system of the user (i.e., the user’s personal computer (PC)). Dedrick, column 5, lines 24-26; Figure 2. The session manager 29 on the user’s PC then forwards the electronic information to a client interface 23 via a content adapter 25, which is also provided on the user’s PC. Dedrick, column 5, lines 26-28; Figure 2. The client adapter 25, with reference to a personal profile database 27 also stored on the user’s PC, then modifies the electronic information to customize the information for the user. Dedrick, column 5, lines 28-30; Figure 2.

Examples of the nature of the “customization” that is performed by the content adapter 25 on the user’s PC are described in column 5. In one example, the electronic information includes a consumer variable that pertains to a color of the electronic information. Dedrick, column 5, lines 40-42. If the personal profile database indicates that the user prefers a color other than a default color of the electronic information (e.g., advertisement), the color of the electronic information is changed to the preferred color by the content adapter. Dedrick, column 5, lines 42-47. In another example, the

electronic information includes a consumer variable that pertains to a consumption format. Dedrick, column 5, lines 47-52. If the default consumption format is video, but the user prefers audio, the content adapter delivers an audio format of the electronic information to the user instead of the video format. Dedrick, column 5, lines 47-52.

**b. The Sullivan Disclosure**

Sullivan teaches a system in which *technical support* is provided to a user. Sullivan describes use of the system in columns 6-9. As is described by Sullivan, a user having difficulty with completing an action (e.g., opening Microsoft Word™) requests technical support. Sullivan, column 6, lines 57-59. That action brings up a technical support interface that presents a list of problem areas that the user can select. Sullivan, column 7, lines 3-6. Once the user selects a problem area, the user is prompted to provide a brief description of the problem that is being encountered. Sullivan, column 7, lines 7-9. Next, the user's web browser is launched. Sullivan, column 7, lines 20-21.

A self-help home page is then presented in the user's web browser. Sullivan, column 7, lines 44-47. From this point further, the user simply selects links presented in one or more web pages to obtain information that may help the user solve the problem that is being experienced. Sullivan, column 7, line 47 to column 9, line 22. Ultimately, a self-help results page is presented to the user. Sullivan, column 9, lines 23-35.

**c. Discussion of the Rejection**

Applicant's claims describe methods, systems, and computer readable media for providing personalized customer support.

(i) **Claims 1, 3-7, 9-10, and 36-41**

Independent claim 1 provides as follows (emphasis added):

1. A method for providing personalized customer support, comprising:

*receiving customer information from a customer, the customer information including information as to products that the customer uses;*

creating a profile for the customer that includes the received customer information;

evaluating the customer information contained in the profile;

*identifying customer support information specifically relevant to the products that the customer uses; and*

*presenting the customer support information to the customer in at least one personalized web page.*

In rejecting claim 1, the final Office Action begins by stating that Dedrick discloses a “method for providing personalized customer support.” This is untrue. As is described in detail above, Dedrick discloses a system for customizing *advertisements* to be provided to the end users. Nothing within the Dedrick disclosure concerns providing customer support, whether it be customized or not.

Later in the rejection, the Office Action states that Dedrick teaches evaluating customer information contained in a profile and presenting “customer support information to the user in at least one personalized web page”. This is also untrue. The Dedrick system does not present any customer support information to a user. Instead, as is discussed above, electronic information having “embedded consumer variables” is transmitted by a publisher/advertiser of the Dedrick system to a session manager 29 provided on the user’s personal computer PC. The session manager 29 then forwards the electronic information to a client interface 23 via a content adapter 25, which adapts the

information to the user's personal tastes and presents the adapted information (i.e., advertisements) to the user *without* any "personalized web page". Although Dedrick contemplates modifying pieces of electronic information that are presented to a user (e.g., changing the color or consumption format of an advertisement) on the PC using the adapter 25 of the PC, *nowhere* does Dedrick teach or suggest that a "personalized web page" is presented to a user. This is true of column 4, lines 11-23 and column 19, lines 13-26 identified in the final Office Action.

In view of the foregoing, the rejection is flawed as attributing teachings to Dedrick that Dedrick does not actually provide. For at least this reason, the rejection is improper and should be overturned.

Continuing on with the statement of the rejection contained in the final Office Action, it is next admitted that Dedrick fails to teach (i) receiving information as to what products the customer uses, and (ii) identifying customer support information specifically relevant to those products. That Dedrick does not teach those aspects is understandable given that, as is noted above, Dedrick is not concerned with providing customer support to a user. Instead, Dedrick is concerned with providing advertisements to the user.

To address the admitted deficiencies of the Dedrick reference, the Examiner relies upon the Sullivan reference. In particular, the Examiner argues that Sullivan discloses a method wherein customer information, including information as to the products the customer uses, is received. For support, the Examiner first identifies Sullivan's column 1, lines 42-51, which provides:

Such techniques attempt to diagnose and address problems on a remote node without actually having the technician travel to that node. The most common method of technical support is still a telephone

conversation with tech support personnel. Other known techniques involve a network "login" to the remote node so that the conditions may be evaluated from the technical support center's viewpoint. The network connection may be used to run a diagnostic program on the remote node, or "selfhelp" fix-it programs may be downloaded to the remote node and executed there.

[Sullivan, column 1, lines 43-51]

As a first matter, Applicant notes that the above excerpt is taken from the "Background of the Invention" section of the Sullivan reference. Therefore, described in that excerpt is the prior art, not Sullivan's invention.

Second, as is clearly apparent from the above, the excerpt cited by the Examiner does not even disclose "receiving customer information from a customer, the customer information including information as to products that the customer uses". Specifically, nothing is stated about "receiving information" or that the information is about a "product" the customer uses.

For further support, the Examiner identifies column 2, lines 16-31; column 8, lines 56-57; and column 9, lines 37-53, which provide:

Guided self-help is facilitated through use of so-called "active content" pages that are selectively viewable by given "audiences". Active content is Web-based content (i.e., content viewable by a Web browser) that has one or more maps initiated when certain actions are taken (e.g., selecting a link, clicking a button, or the like). In an illustrative embodiment, a given map is associated with a page via a URL, although any convenient mechanism may be used to associate a page and a map. When that URL results from selecting a link or button on the Web page, a Web server supporting the support chain automation system has extensions that recognize it as a map (rather than, for example, a reference to another Web page). The active content functionality enables

the user to determine if a particular technical problem described by an external page applies to the user's actual system.

[Sullivan, column 2, lines 16-31]

Returning to FIG. 4, at step 92, the user interacts with the self-help page by navigating the default browser. In this illustrative example, the user launches the search that has been proposed by the system. Alternatively, the system may launch the search automatically for the user. At step 94, the routine returns a results template page that, in this example, identifies a Support Note link. A representative results template page is shown in FIG. 8. In this example, the page identifies a Support Note that describes the user's problem (namely, the inability to start Microsoft Word). and the associated error message that prompted the user to initiate the session in the first instance.

[Sullivan, column 8, lines 56-67]

The technical support system may interact with the user's local machine to execute diagnostic maps using a "mini Web server" process running on the client. Thus, for example, the execute map step 102, among others, may be implemented in this manner. One preferred method for executing a map locally from the client browser begins by sending a special URL to the local mini Web server. The local process authenticates the user, breaks apart the URL to determine which map to run, checks to see if the map is present (and, if not, downloads the map from the system server), "executes" the instructions of the map, collects the resulting XML, and then parses the XML looking for self-service tags to be used for further navigation purposes. Thus, for example, the tags enable the user to navigate to a page that describes the problem or to how to fix the problem. This process is also used to generate the system-supplied search string.

[Sullivan, column 9, lines 37-53]

As can be appreciated from the foregoing, *none* of those excerpts teach “receiving customer information from a customer, the customer information including information as to products that the customer uses”. Specifically, in none of the excerpts does a customer provide to the system “customer information” including “information as to the products” that the customer uses. Therefore, once again, the rejection is flawed as attributing teachings to a reference that the reference does not actually provide.

Applicant further asserts that, contrary to that argued in the final Office Action, Sullivan does not teach identifying customer support information specifically relevant to the products identified by the user. As a first matter, given that the Sullivan system does not receive information as to what products the customer uses, it logically follows that the Sullivan system does not identify customer support information specifically relevant to those products. Secondly, Applicant notes that column 1, lines 43-51; column 2, lines 16-31; column 8, lines 56-57; and column 9, lines 37-53 identified by the Examiner for support and reproduced above do not provide such a teaching. Accordingly the rejection again attributes teachings to Sullivan that Sullivan does not actually provide.

In addition to the deficiencies described above, the combination of the teachings of Sullivan and Dedrick is not warranted. Again, as is noted above, Dedrick discloses a system for customizing *advertisements* to be provided to the end users. Contrary to that alleged in the final Office Action, Dedrick makes no mention of providing customer support. Therefore, a person having ordinary skill in the art would not think to add features from Sullivan’s customer support system to Dedrick’s system. Given the lack of a suggestion or motivation contained in the references themselves for the proposed modification, it appears clear that the only suggestion or motivation comes from Applicant’s own disclosure. As is well established in the law, such hindsight to the

Applicant's own disclosure is *per se* improper. See *Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In view of the foregoing, Applicant's claim 1, and claims 3-7, 9-10, and 36-41 which depend from claim 1, are allowable over Dedrick and Sullivan. Applicant therefore respectfully requests that the rejection be withdrawn.

**(ii) Claims 11, 13-17, and 19-20**

Independent claim 11 contains similar limitations that are not rendered obvious by Dedrick and Sullivan. Specifically, the Dedrick/Sullivan combination suggested in the Office Action at least does not teach or suggest "means for receiving customer information that includes information as to products that the customer uses", "means for identifying customer support information specifically relevant to the products that the customer uses", or "means for presenting the customer support information to the customer in at least one personalized web page". Claims 11, 13-17, and 19-20 are allowable for at least these reasons.

**(iii) Claims 21, 23-27, and 29-30**

Regarding independent claim 21, the Dedrick/Sullivan combination at least does not teach or suggest "logic configured to receive customer information from a customer, the customer information including information as to products that the customer uses", "logic configured to identify customer support information specifically relevant to the products that the customer uses", or "logic configured to



present the customer support information to the customer in at least one personalized web page”. Claims 21, 23-27, and 29-30 are allowable for at least these reasons.

**(iv) Claims 31-33**

Independent claim 31 provides as follows (emphasis added):

31. A method for providing personalized customer support, comprising:

*receiving information from a customer about the products the customer uses, the customer’s business, and the customer’s level of technical expertise;*

evaluating the customer information;

creating a customer profile based upon the evaluation of the customer information;

*retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer’s business, and the customer’s level of technical expertise; and*

*automatically generating a personalized web page containing the retrieved customer support information.*

With regard to independent claim 31, the Dedrick/Sullivan combination does not teach or suggest “receiving information from a customer about the products the customer uses, the customer’s business, and the customer’s level of technical expertise”. Regarding that limitation, none of the sections of Dedrick and Sullivan grouped together at the end of Applicant’s claim limitations by the Examiner teach receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”. Applicant provides the content of each of those sections in the following.

Regarding column 2, lines 3-24 of the Dedrick reference, Dedrick states:

A method and apparatus for dynamically customizing electronic information to individual end users is described herein. A personal profile database in a client system stores consumer information corresponding to individual end user(s) of the client system. The client system also includes a content adapter which compares electronic information received by the client system to the consumer information in the personal profile database and customizes the electronic information to an individual end user based on this comparison. The client system also includes a client activity monitor which monitors actions taken by an individual end user when consuming electronic information and updates the personal profile database based on these actions. In one embodiment, the client activity monitor also monitors which actions are ignored by the individual end user and updates the personal profile database based on the consumer's interaction with the electronic information (that is, both the consumer's action and inaction). In one embodiment, an electronic information server containing a plurality of electronic information units is coupled to the client system via an electronic information distribution network and serves as the source of the electronic information.

[Dedrick, column 2, lines 3-24]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 3, lines 37-67 of the Dedrick reference, Dedrick states:

Each client system 12 is provided with an interface, such as a graphic user interface (GUI), that allows the end user to participate in the system 10. The GUI contains fields that receive or correspond to inputs entered by the end user. The fields may include the user's name

and possibly a password. The GUI may also have hidden fields relating to "consumer variables." Consumer variables refer to demographic, psychographic and other profile information. Demographic information refers to the vital statistics of individuals, such as age, sex, income and marital status. Psychographic information refers to the lifestyle and behavioral characteristics of individuals, such as likes and dislikes, color preferences and personality traits that show consumer behavioral characteristics. Thus, the consumer variables refer to information such as marital status, color preferences, favorite sizes and shapes, preferred learning modes, employer, job title, mailing address, phone number, personal and business areas of interest, the willingness to participate in a survey, along with various lifestyle information. This information will be referred to as user profile data. The end user initially enters the requested data and the non-identifying information is transferred to the metering server 14. That is, the information associated with the end user is compiled and transferred to the metering server 14 without any indication of the identity of the user (for example, the name and phone number are not included in the compilation). The GUI also allows the user to receive inquiries, request information and consume information by viewing, storing, printing, etc. The client system may also be provided with tools to create content, advertisements, etc. in the same manner as a publisher/advertiser.

[Dedrick, column 3, lines 37-67]

Dedrick's identification of collecting "demographic information" does not equate to collecting information about the customer's products, business, and technical expertise.

Regarding column 4, lines 11-23 of the Dedrick reference, Dedrick states:

The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. The electronic information may allow an end user to access a content database, or the information may be all or a portion of a content database. By way of example, the content database may be the text and video of an electronic newspaper. The content database may reside within the publisher unit or be located at a remote location such as the metering server or a regional server that services a plurality of metering servers. The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases.

[Dedrick, column 4, lines 11-23]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 6, lines 34-52 of the Dedrick reference, Dedrick states:

The content adapter 25 customizes electronic content to the individual end user based on the user profile data contained in personal profile database 27. Electronic content received by system 12 from metering server 14 may include fields which can be customized. Which fields can be customized may be indicated in a header block received with the electronic content. For example, a unit of electronic information may be received with a particular field having the default color of green. If personal profile database 27 contains sufficient data regarding color preferences for the individual end user, then content adapter 25 changes the color of that particular field from green to whatever color preference is contained in personal profile database 27 for that individual end user. Similarly, the default consumption format may be video, but if personal profile database 27 indicates that the end user prefers audio format, then content adapter 25 delivers the audio

format version of the electronic information to the client interface 23 rather than the video version.

[Dedrick, column 6, lines 34-52]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 19, lines 13-26 of the Dedrick reference, Dedrick states:

24. A method for customizing electronic information to more closely conform to a preference of an individual user, comprising the steps of:

- (a) receiving a unit of electronic information;
- (b) comparing the unit of electronic information to user profile data corresponding to the individual user, wherein the user profile data indicates the preference of the individual user;
- (c) generating a customized unit of electronic information based on the comparing; and
- (d) providing the customized unit of electronic information to the individual user for consumption by the individual user.

[Dedrick, column 19, lines 13-26]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 8, lines 56-67 of the Sullivan reference reproduced above, Sullivan says nothing about receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 9, lines 37-53 of the Sullivan reference reproduced above, Sullivan says nothing about receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 10, lines 13-30 of the Sullivan reference, Sullivan states:

Preferably, the audiences are hierarchical so that a member of an audience can have access to other audiences, but not necessarily vice versa. Any number of audiences may be provided for within the hierarchy. For example, there may be just three (3) audiences: internal support, premium end user and end user. In this illustrative example, all support engineers would be defined to be members of the internal support audience. As the highest level audience, all engineers would have access to the other two default audiences. Members of the premium audience (the intermediate class) would have the right to view the non-premium end user audience content but not the content of the higher level, namely, the internal support audience content. The end user audience, at the lowest level of the hierarchy, would not have any right to view any other audience's content except the content written specifically for that audience. In this way, given active content is authored for given audiences, who view a subset of the active content database through a template designed for that audience. This functionality provides a more robust and effective guided self-help session.

[Sullivan, column 10, lines 13-30]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Regarding column 11, lines 10-26 of the Sullivan reference, Sullivan states:

The particular type of active content associated with a given audience will vary widely depending on the application and the identity of the users. Thus, for example, it may be desired that, because of the nature of the content, only a given audience should have the right to create and/or view it. This would be the case in the situation where the active content includes complex technical materials that might only prove useful to the most sophisticated users (e.g., internal support engineers). Alternatively, it may be desired to limit rights to the content to a given audience whose members have paid for the right to view such content. Thus, such content might only be served to premium end users, but not regular end users, irrespective of the complexity of the materials included in the active content. In any case, the use of audiences allows the service provider to restrict the manner in which the active content is authored, viewed and/or served.

[Sullivan, column 11, lines 10-26]

Nothing in this excerpt teaches or suggests receiving information about any of “the products the customer uses”, “the customer’s business”, and “the customer’s level of technical expertise”.

Turning to the other limitations of claim 31, neither Dedrick nor Sullivan teach or suggest “retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer’s business, and the customer’s level of technical expertise”. Specifically, neither Dedrick nor Sullivan talk of “customer support information modules”, and none of the excerpts reproduced above mention any such “modules”.

Finally, Applicant notes that neither Dedrick nor Sullivan teach or suggest “automatically generating a personalized web page containing the retrieved customer

support information”. Simply stated neither Dedrick nor Sullivan speak of any “personalized web page”.

**d. Reply to Examiner’s Response to Arguments**

In the Response to Arguments section of the Office Action prior to the final Office Action, the Examiner stated that the Applicant’s recitations of “personalized customer support” were not been given patentable weight because those recitations appeared in the preambles of the claims. Applicant traverses.

In the present case, Applicant does not only discuss “customer support” in its claim preambles. To the contrary, Applicant explicitly claims “customer support information” in the bodies of each its independent claims. Take claim 1 for example. That claim recites a “method for providing personalized customer support” that comprises the action of “identifying *customer support information* specifically relevant to the products that the customer uses” and “presenting the *customer support information* to the customer in at least one personalized web page” (emphasis added). These recitations of “customer support information” are explicit limitations contained in the claim that cannot be ignored when judging the patentability of the claim. Notably, similar recitations of “customer support information” are contained in the bodies of Applicant’s other independent claims 11, 21, and 31.

In view the Examiner’s apparent disregard for Applicant’s explicit claim limitations, the rejections of Applicant’s claims are *per se* improper and should be withdrawn.



## **2. Rejection of Claims 34-35**

Claims 34-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of Sullivan and in further view of Moshfeghi, et al. (“Moshfeghi,” U.S. Pat. No. 6,076,166). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claim 31, the Dedrick/Sullivan combination does not render obvious several limitations contained in claim 31. In that Moshfeghi does not remedy the deficiencies of that combination, Applicant respectfully submits that claims 34-35, which depend from claim 31, are allowable over the Dedrick/Sullivan/Moshfeghi combination for at least the same reasons that claim 31 is allowable over Dedrick/Sullivan.

## **3. Rejection of Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41**

Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Burkey, et al. (“Burkey”, U.S. Pat. No. 6,446,076) in view of Cheng, et al. (“Cheng,” U.S. Pat. No. 6,457,076). Applicant respectfully traverses this rejection.

### **a. The Burkey Disclosure**

Burkey discloses a web-based agent system. One aspect of the system is a personal web site application (“mySite!”). Burkey, column 28, lines 32-33. As is described by Burkey, the mySite! application is “focused on the theme of delivering services and providing a personalized experience for each customer via a personal web site in a buyer-centric world.” Burkey, column 28, lines 34-38. In the columns that follow, Burkey describes the mySite! application as a mechanism for providing

information to customers so as to facilitate *purchase* of *new products* and services over the Internet. See Burkey, column 28, line 38 to column 34, line 35.

**b. The Cheng Disclosure**

Cheng discloses a system for updating software on client computers. As is described by Cheng, a service provider computer system stores an update database about software updates of various software vendors. Cheng, Abstract. The client computers determine the software components that they possess, and determine what updates are available from the service provider computer system. If new updates are available, the client computer permit the users to select updates for installation. Cheng, Abstract.

**c. Discussion of the Rejection**

As can be appreciated from the foregoing, neither Burkey nor Cheng concern or discuss providing “customer support” or “customer support information”. Presumably, these references are cited against Applicant’s claims given that no patentable weight was given to Applicant’s recitations of “customer support information”. As is noted above, however, the Office Action’s disregard for those recitations is improper at least because “customer support information” is explicitly claimed multiple times in each of Applicant’s independent claims. Given that Burkey and Cheng fail to address those explicit limitations, the rejection fails to state a *prima facie* case for obviousness of any of Applicant’s independent claims. Therefore the rejection should be withdrawn.

Beyond the Examiner’s failure to consider the explicit recitations of “customer support” and “customer support information”, Applicant notes that neither Burkey nor Cheng teach or suggest the methods and systems claimed by Applicant. Regarding independent claims 1, 11, and 21, neither reference teaches or suggests receiving

customer information from a customer, the customer information including information as to products, identifying customer support information specifically relevant to the products that the customer uses, or presenting the customer support information to the customer in at least one personalized web page, as are expressed in independent claims 1, 11, and 21. As for the Burkey disclosure, no information is collected as to products the customer already uses given that the Burkey system is used to facilitate purchases of new devices. Applicant invites the Board to see column 28, line 34 to column 29, line 5; column 29, line 41 to column 34, line 6; column 34, lines 21-36; column 36, lines 39-51; and column 47, lines 21-33, which are cited in the aggregated by the Examiner.

As a separate matter, Applicant objects to the Examiner's practice of aggregating citations to the prior art. Instead of identifying each portion of a reference that allegedly teaches each limitation of Applicant's claim, the Examiner instead just lists all of Applicant's claim limitations and provides a list of reference citations, leaving it up to the Applicant to attempt to decipher the Examiner's reasoning. Instead, the Examiner should identify with particularity which rejection of a reference allegedly teaches which limitations. Without this, Applicant has not reproduced those sections herein in the interest of brevity, but avers that those sections, as the others that have been cited by the Examiner, do not teach Applicant's various limitations. Applicant is not provided with a full and fair opportunity to respond.

Turning to the Chen disclosure, Chen's system determines what software components are already installed on a computer and permits the user to download updates. Chen does not, however, "receive customer information" for the purpose of "identifying customer support information" specifically relevant to the products that the customer uses or "present the customer support information to the customer in at

least one personalized web page”. In particular, the various portions of the Chen reference identified by the Examiner do not teach those limitations.

Turning to independent claim 31, neither Burkey nor Chen teach or suggest “receiving information from a customer about the products the customer uses, the customer’s business, *and* the customer’s level of technical expertise” (emphasis added). Again, Burkey collects no such information, and Chen only determines what software a user has. Applicant notes that the above limitation is stated additive, *not* alternative. Therefore, the references must teach or suggest receiving information about *each* of “the products the customer uses”, “the customer’s business”, *and* “the customer’s level of technical expertise”. They clearly do not.

Further regarding claim 31, neither Burkey nor Chen teach or suggest “retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer’s business, and the customer’s level of technical expertise”. First, Burkey combined with Chen fail to teach information relevant to “the products the customer uses, the customer’s business, and the customer’s level of technical expertise”. Second, neither reference identifies any “customer support modules”.

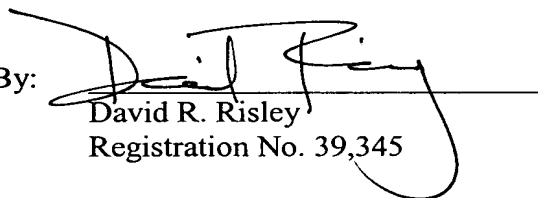
Finally, with regard to claim 31, neither Burkey nor Chen teach “automatically generating a personalized web page containing the retrieved customer support information”. Simply stated, no disclosure of automatically generating a personalized web page containing “retrieved customer support information” is contained in either of the Burkey and Chen references.

## **VII. Conclusion**

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By:

  
David R. Risley  
Registration No. 39,345

### **Certificate of Mailing**

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**Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)**

The following are the claims that are involved in this Appeal.

1. A method for providing personalized customer support, comprising:  
receiving customer information from a customer, the customer information including information as to products that the customer uses;  
creating a profile for the customer that includes the received customer information;  
evaluating the customer information contained in the profile;  
identifying customer support information specifically relevant to the products that the customer uses; and  
presenting the customer support information to the customer in at least one personalized web page.
3. The method of claim 1, wherein the received customer information further includes information about the customer's business.
4. The method of claim 1, wherein the received customer information further includes information about the customer's level of technical expertise.
5. The method of claim 1, wherein receiving customer information comprises receiving information from an online customer survey that includes a series of questions that are posed to the customer.

6. The method of claim 1, wherein identifying customer support information comprises cross-referencing the customer information with information contained within a library database.

7. The method of claim 6, wherein identifying customer support information comprises cross-referencing the customer information with data modules contained within the library database.

9. The method of claim 1, wherein the at least one personalized web page only includes customer support information that is relevant to one or both of the products the customer uses and the customer's business.

10. The method of claim 1, wherein presenting the customer support information to the customer comprises presenting audio and video instructions to the customer.

11. A system for providing personalized customer support, comprising:  
means for receiving customer information that includes information as to products that the customer uses;  
means for creating a profile for the customer that includes the received customer information;  
means for evaluating the customer information contained in the profile;  
means for identifying customer support information specifically relevant to the products that the customer uses; and

means for presenting the customer support information to the customer in at least one personalized web page.

13. The system of claim 11, wherein the means for receiving customer information comprises means for receiving information about the customer's business.

14. The system of claim 11, wherein the means for receiving customer information comprises means for receiving information about the customer's level of technical expertise.

15. The system of claim 11, wherein the means for receiving customer information comprises means for receiving information from an online customer survey that includes a series of questions that are posed to the customer.

16. The system of claim 11, wherein the means for identifying customer support information comprises means for cross-referencing the customer information with information contained within a library database.

17. The system of claim 16, wherein the means for identifying customer support information comprises means for cross-referencing the customer information with data modules contained within the library database.



19. The system of claim 11, wherein the at least one personalized web page only includes customer support information that is relevant to one or both of the products the customer uses and the customer's business.

20. The system of claim 11, wherein the means for presenting the customer support information to the customer comprises means for presenting audio and video instructions to the customer.

21. A computer readable medium having software for providing personalized customer support, comprising:

logic configured to receive customer information from a customer, the customer information including information as to products that the customer uses;

logic configured to create a profile for the customer that includes the received customer information;

logic configured to evaluate the customer information contained in the profile;

logic configured to identify customer support information specifically relevant to the products that the customer uses; and

logic configured to present the customer support information to the customer in at least one personalized web page.

23. The computer readable medium of claim 21, wherein the logic configured to receive customer information comprises logic configured to receive information about the customer's business.

24. The computer readable medium of claim 21, wherein the logic configured to receive customer information comprises logic configured to receive information about the customer's level of technical expertise.

25. The computer readable medium of claim 21, wherein the logic configured to receive customer information comprises logic configured to receive information from an online customer survey that includes a series of questions that are posed to the customer.

26. The computer readable medium of claim 21, wherein the logic configured to identify customer support information comprises logic configured to cross-reference the customer information with information contained within a library database.

27. The computer readable medium of claim 26, wherein the logic configured to identify customer support information comprises logic configured to cross-reference the customer information with data modules contained within the library database.

29. The computer readable medium of claim 21, wherein the at least one personalized web page only includes customer support information that is relevant to one or both of the products the customer uses and the customer's business.

30. The computer readable medium of claim 21, wherein the logic configured to present the customer support information to the customer comprises logic configured to present audio and video instructions to the customer.

31. A method for providing personalized customer support, comprising:  
receiving information from a customer about the products the customer uses, the customer's business, and the customer's level of technical expertise;  
evaluating the customer information;  
creating a customer profile based upon the evaluation of the customer information;  
retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer's business, and the customer's level of technical expertise; and  
automatically generating a personalized web page containing the retrieved customer support information.

32. (Original) The method of claim 31, wherein personalized web pages relevant to training, troubleshooting, and database information are respectively automatically generated.

33. The method of claim 31, further comprising responding to questions posed and issues raised by customers online.

34. The method of claim 31, further comprising providing information as to designing a computing system specific to the customer's needs.

35. The method of claim 31, further comprising providing an evaluation of the customer's existing computing system.

36. The method of claim 1, wherein the information as to products that the customer uses includes at least one of a make and model of a product, a present configuration of the product, an application used with the product, and a configuration of a network to which the product is connected.

37. The method of claim 3, wherein the information about the customer's business includes at least one of the type and volume of the business, the number and size of its locations, the number of users of computing equipment, the nature of the use of the computing equipment, and the configuration of the locations.

38. The method of claim 4, wherein the information about the customer's level of technical expertise includes an indication as to whether the customer is at a novice level, an intermediate level, or an advanced level.

39. The method of claim 1, wherein presenting the customer support information to the customer comprises presenting tutorial information as to initialization and configuration of a product that the customer uses.

40. The method of claim 1, wherein presenting the customer support information to the customer comprises presenting troubleshooting information that is

directed at solving problems that are being experienced by the customer with a product that the customer uses.

41. The method of claim 1, wherein presenting the customer support information to the customer comprises presenting optimization information directed at optimizing performance of a product that the customer uses.

**Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)**

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

**Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)**

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.